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Fax Transmission**TO:** United States Patent and Trademark Office**ATTN:** Mr. Paul Shanoski, Senior Attorney, Office of Petitions**FAX #:** 1-703-872-9306**FROM:** Stephen P. Evans, Esq.**DATE:** September 15, 2004**OPERATOR:** rw

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COMMENTS: Please see the attached:**RENEWED PETITION
RESCISSON OF PREVIOUS NONPUBLICATION REQUEST****In re Application of:****Inventor:** William Archer**Serial No:** 10/729,241**Filed:** December 5, 2003**For:** DUAL FUNCTION BRAKE SYSTEM**Attorney Docket No:** 1-15822

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September 15, 200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:
William Archer**

Filed: December 5, 2003

Serial No.: 10/729,241

For: DUAL FUNCTION BRAKE SYSTEM

Attorney Docket 1-15822

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION

Honorable Sir:

The present petition is a renewed petition under 37 CFR 1.137(b) to revive an unintentionally abandoned patent application. Applicant filed a Petition under the same CFR section on August 13, 2004. Applicant received a Decision on Petition on September 13, 2004, the petition being actually mailed on September 9, 2004.

The Decision on Petition dismissed the initially filed petition as inappropriate. This conclusion was reached since applicant's petition indicated an Italian foreign application was filed before the filing of a U.S. utility application.

Serial No. 10/729,241

1-15822

Page 2

The undersigned conducted a phone conference with Mr. Paul Shanoski, Senior Attorney, Office of Petitions, on September 13, 2004 regarding the dismissal of the petition. Counsel for applicant indicated that a typographical error in the filing date of the Italian foreign application listed in the petition made the Italian foreign application filing date to seem as if it was filed earlier than the U.S. utility filing date. Counsel for applicant noted the filing date for the Italian foreign application was incorrectly listed in the petition since the month and date on communications from the Italian associate used the European format (i.e., DD/MM/YYYY), as opposed to the U.S. standard format (MM/DD/YYYY). Therefore, what appeared to be a November 12, 2003 filing date in Italy based on the European format was actually December 11, 2003. The December 11, 2003 Italian filing date is after the December 5, 2003 of the above-captioned U.S. utility application. Counsel for applicant regrets the typographical error and apologizes for the confusion it caused.

In light of the above, the U.S. application is abandoned for failure to notify the Office of a foreign filing within forty-five (45) days after the filing date of a foreign application.

A copy of USPTO form PTO/SB36, requesting recession of the previous nonpublication request, is included herewith. The failure to timely file this form with the USPTO from the time it was due to the date of the present petition was entirely unintentional. It is respectfully requested that the form be forwarded to the publication branch of the USPTO.

Mr. Shanoski indicated that under the circumstances an additional petition fee under 37 CFR 1.17(m) is not required for the present renewed petition. Mr. Shanoski also requested that this renewed petition be faxed to fax number 703-872-9306 to his attention.

Serial No. 10/729,241

1-15822

Page 2

Revival of the above-captioned application is respectfully requested. Please do not hesitate to contact the undersigned with any questions or comments.

Respectfully submitted,



Stephen P. Evans

Registration No. 47,281

ATTORNEYS

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